

OFFICE OF PUBLIC SCHOOL CONSTRUCTION
STAKEHOLDER MEETING
August 2, 2018
Room 6-300

Criteria for Funding Order Tie-Breakers under the Career Technical Education Program

PURPOSE

To discuss proposed regulatory amendments for additional criteria for tie-breakers in the funding order of Career Technical Education Facilities Program (CTEFP) applications in the School Facility Program (SFP) Regulations.

DESCRIPTION

On July 18, 2018, Staff presented options and requested feedback from stakeholders on additional criteria to be used to resolve tied scores in the funding order of CTEFP applications. Currently, SFP Regulations stipulate that CTEFP funds be apportioned based on the highest scored application from each locale (Urban, Suburban, and Rural) with at least one application from each locale. If two or more applications share the same score and locale, the application with the highest number of points in all weighted areas will be funded first. During the processing of applications for the fourth funding cycle of the CTEFP, there were several instances of tied rankings in the funding order. Based on the feedback received during and since the last meeting, Staff has prepared proposed regulatory amendments for additional criteria to determine the ranking of applications that share the same overall score and the same weighted score. Staff is seeking stakeholder feedback on the proposed amendments.

BACKGROUND

On May 23, 2018, the State Allocation Board approved applications for the fourth funding cycle of the CTEFP. In accordance with SFP Regulations, the funding order for applications is determined by career technical education (CTE) plan score and locale (to determine locale, OPSC uses the National Center for Education Statistics). The highest scoring application in each of the three designated locales (Urban, Suburban and Rural) is presented for funding and then the pattern repeats until applications or funding is exhausted, whichever comes first.

During the processing of the fourth funding cycle of the CTEFP, Staff encountered 42 instances of ties in the funding order of applications. SFP Regulations describe that funding for applications receiving the same CTE plan score will be funded in order of highest points in all weighted areas identified in Education Code Section 17078.72(j). If two or more applications had the same CTE plan score and locale, the complete score (extended by two decimal points) was taken into consideration. If two or more applications had the same extended score, the California Department of Education (CDE) provided OPSC with the applications' total weighted score as a tie-breaker. However, there were some occurrences of multiple applications having the same total weighted score.

Current SFP Regulations for the CTEFP do not identify additional criteria to determine the ranking of applications that share the same weighted score. Absent a regulation to provide further direction, Staff placed these in order of Form SAB 50-10 date received and then alphabetically.

Therefore on July 18, 2018, Staff held a meeting to obtain stakeholder feedback on additional criteria for tie-breakers in the funding order of CTEFP applications for future amendments to the SFP Regulations.

In the July stakeholder meeting agenda, Staff provided an overview of the program, the application process, the components of an application score, and the funding order of applications. For reference, the elements of the overall and weighted scores are included below.

Scoring

Application Score

The CTE plan score is determined by CDE and is based on relevant career technical education curriculum and facility needs to increase student achievement, as required by statute. CDE's review is based on a scoring rubric across eight categories, with a maximum score of 141 points. The eight categories are based on the following:

- | | |
|---------------------------------|-----------------------------|
| 1. The CTE Plan | 5. Education Specifications |
| 2. Pupil Enrollment Projections | 6. Budget Justification |
| 3. Feeder School Identification | 7. Unique Conditions |
| 4. Accountability Plan | 8. Overall Feasibility |

Weighted Score

Six components across the eight categories are used to determine a weighted score to decide additional funding priority components such as:

1. Labor market demand for highly qualified technical employees in the selected industry sector.
2. The total annual number of students expected to attend the proposed CTE program that will be supported with grant funds.
3. Geographic proximity of similar CTE programs in the area and how the project would complement, enhance or differ from the existing CTE offerings available in the area.
4. School accountability plan for enrollment and expected outcome(s).
5. Estimated annual capital cost per student and the rationale/method used for calculating this cost.
6. Financial participation and ongoing support plan of all business and industry partners in the construction and equipping of the facility.

STAFF ANALYSIS/STATEMENTS

Staff presented several options to elicit feedback from stakeholders on additional criteria to be used to resolve tied scores in future CTEFP funding cycles on July 18, 2018. A list of options presented and a summary of the feedback received is listed below followed by a discussion of the proposed regulatory amendments. The proposed regulatory amendments are included as an Attachment.

Potential additional criteria to resolve tied scores and feedback received:

1. Date the Form SAB 50-10 was received by OPSC.

Feedback

- Incentivizes applicants to submit an application as soon as possible, instead of submitting the application within the filing round deadline.
- Could impact the amount of time the applicant can spend creating a quality application.
- Technical issues with the OPSC online application system could potentially prevent an applicant from submitting its application and could disadvantage an applicant(s).

2. Date the grant application was received by CDE.

Feedback

- Incentivizes applicants to submit an application as soon as possible, instead of submitting the application within the filing round deadline.
- Could impact the amount of time the applicant can spend creating a quality application.

3. First-time recipients of CTEFP funding.

Feedback

- Could result in yet another tie since the program has had four previous funding cycles.
- Consider first-time recipients of CTEFP funding in the current funding cycle or the one immediately prior to the current one, which would fit with the statutory intent to spread funding throughout the state.

4. An application in a Service Region that has the fewest applications funded in the cycle.

Feedback – no comments received.

5. An application for an underrepresented industry sector.

Feedback

- Could over-emphasize a factor that is already included in the CTE application score.

6. School site with a higher percentage of high needs students (i.e. Latino, African American, free and reduced lunch, foster students) based supplemental/ concentration funding.

Feedback – no comments received.

7. An application funding industry sector(s) that address higher labor market needs.

Feedback

- Could overemphasize a factor that is already included in the CTE application score.

8. Additional suggestions for other options and methods for determining funding order.

- Give priority to the applicant with the lowest school site enrollment.
- A random event such as a coin toss.

- Amount of students who have access to the program.
- The comparison of tied applicants could be based on: the application received date, if they are a first-time recipient, and if the application is for an underrepresented industry sector. In this scenario, the applicant with the most factors in their favor would be funded first.

Of the options presented, most stakeholders seemed to support an option that gives priority to first-time recipients of CTEFP funding in the current or most recent funding cycle that was held and then a lottery.

DISCUSSION

After consideration of all comments received at and following the meeting, Staff has prepared proposed regulatory amendments as shown in the Attachment that is most representative of the stakeholders' recommendations for additional tie-breaker criteria.

Summary of Proposed Changes

The proposed amendments are included in SFP Regulation Section 1859.196(d)(3). Three subsections (a., b., and c.) are added to define the criteria for funding order when a tie exists among two or more Approved Applications for Career Technical Education Facilities Project Funding. The order is as follows:

Section 1859.196(d)(3)a. – the application with the highest total score in all weighted areas.

Section 1859.196(d)(3)b. – the applicant that does not have another application that will receive funding in the current cycle or did not receive funding in the prior funding cycle.

Section 1859.196(d)(3)c. – based on a lottery.

Technical Changes

Staff is proposing technical changes as well to enumerate previously unnumbered paragraphs that appear below the existing Section 1859.196(d). These paragraphs would be numbered sections (e) and (f). In the review of this section, Staff also noticed that the defined term used in these two paragraphs to reference CTEFP applications was not correct. Therefore, the term Career Technical Education Facilities Project is being replaced by the term, Approved Application for Career Technical Education Facilities Project Funding, which refers to an application that has not yet been funded. The current term refers to an application that has been approved by the Board for funding. The definitions appear below for reference. If there are any other such occurrences, Staff will include the amendments with the final proposed regulatory amendments for the Board's consideration.

Section 1859.2 Definitions

...

"Approved Application for Career Technical Education Facilities Project Funding" means an applicant has submitted an *Application for Career Technical Education Facilities Funding*, Form SAB 50-10, including all required supporting documents as identified in the General Information Section of that Form, to the OPSC and the OPSC has accepted the application for processing.

...

"Career Technical Education Facilities Project" means a project approved by the Board pursuant to Education Code Section 17078.72.

ATTACHMENT

PROPOSED REGULATORY AMENDMENTS

Section 1859.196. Career Technical Education Facilities Program Funding Order.

...

(d) For the third and any subsequent cycles, the Board shall apportion funds regardless of Service Region.

(1) Funds shall be apportioned to the highest ranked project in each locale. In order to continue this funding process, one project from each locale must be apportioned. If there are no applications in a given locale(s), projects will be apportioned in the remaining locale(s).

(2) The process will continue until the applications or funds are exhausted, whichever comes first.

(3) In the event two or more applications have the same career technical education plan score ~~and are in the same locale, the applicant with the highest total points in all weighted areas of the career technical education plan score identified in Education Code Section 17078.72(j) will be funded first.~~ the Board shall approve the applications in the following order:

a. The application with the highest total score in all weighted areas of the career technical education plan score identified in Education Code Section 17078.72(j).

b. The applicant without a Career Technical Education Facilities Project in the immediate prior funding cycle or without an Approved Application for Career Technical Education Facilities Project Funding that will receive funding in the current cycle.

c. After the above criteria have been applied, a lottery system may be used to determine the final funding order.

(e) If ~~an~~ Approved Application for Career Technical Education Facilities Project Funding ~~Career Technical Education Facilities Project~~ within any funding cycle cannot be fully apportioned because insufficient funding is available, the applicant may either accept the available funding as the full and final apportionment for the project or refuse funding entirely. If funding is refused, the Board shall consider funding the next project eligible for an apportionment pursuant to this Section.

(f) For any ~~Career Technical Education Facilities Project~~ Approved Application for Career Technical Education Facilities Project Funding not apportioned pursuant to this Section, the application shall be returned to the applicant. ~~A Career Technical Education Facilities Project~~ An Approved Application for Career Technical Education Facilities Project Funding returned to the applicant may be resubmitted during a subsequent application acceptance period identified in Section 1859.191, provided the application meets the eligibility criteria in Section 1859.192.

Note: Authority cited: Sections 17070.35 and 17078.72(k), Education Code

Reference: Section 17078.72, Education Code.